In the High Court of Punjab and Haryana, Chandigarh.

C.O.C.P. No. 460 of 2005

Date of Order: 24.1.2007

Bhupinder Singh & Others

…Petitioners.

Versus

B.S.Sekhon, PCS & Another

…Respondents.

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

Present: Mr.M.S. Kang, Advocate,
for the petitioners.

Mr.Anmol Rattan Singh,
Additional Advocate General, Punjab,
for respondent No. 1.

Mr. T.S. Dhindsa, Advocate, with
Mr. P.S. Sodhi, Contemner-Respondent No. 2 in person.

JUDGMENT

M.M.KUMAR, J. (ORAL)

In pursuance to the order dated 17.1.2007, the contemner and learned counsel for the contemner as well as learned counsel for the petitioners have been heard on the question of quantum of sentence as contemner-respondent No. 2 was convicted of contempt

of this Court for intentional violation of the order dated 1.11.2004, passed in Civil Revision No. 2834 of 2004, on extraneous considerations. It has been submitted by the learned counsel for the contemner that the contemner has rendered 25 years of service and only adverse entry recorded in the year 1984 was later expunged on the representation made by him. It has further been pointed out that he has six years more to go in service and during all his life he has not ever been convicted of any offence. Mr. Dhindsa has prayed for a lenient view on the ground that the contemner has two growing up children and any sentence at this stage would result into a stigma as well as social ostracism of the contemner. However, Mr. M.S. Kang, learned counsel for the petitioners has submitted that the nature of the conviction order dated 17.1.2007 would show that the contemner has been demanding illegal gratification from the beneficiaries of Award No. 9 and, therefore, no lenient view should be taken. According to the learned counsel the contemner deserves to be given full punishment of six months, especially when he was warned in the earlier proceedings i.e. C.O.C.P. No. 548 of 2001.

After hearing learned counsel for the parties and taking into consideration numerous factors that the contemner has rendered 25 years of service and he has two grown up children of impressionable age, I am not inclined to give the contemner full quantum of sentence provided under Section 12(1) of the Contempt of Courts Act, 1971 (for brevity, 'the Act), i.e. six months or with fine. I feel that the ends of justice would be met if the contemner is saddled with a fine of Rs. 25,000/-. For the aforementioned power of

imposing the fine of Rs. 25,000/-, I bank upon Article 215 of the Constitution in addition to Section 12(1) of the Act. Let the fine be deposited by the contemner within two weeks. It is made clear that if the contemner is convicted in any other proceedings under the Contempt of Courts Act, 1971 read with Article 215 of the Constitution then the sentence would be aggravated in accordance with law and the present order shall be taken into account. In this regard, the Computer Section of this Court shall feed the instant order for making reference in any such future proceedings, if such a need arises.

(M.M. KUMAR)
JUDGE

January 24, 2007
Pkapoor